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Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

* 497 *Q*.—Sri A. P. C. VEERABAHU : Will the Hon. the Minister for Revenue be pleased to state whether there is any proposal before the Government to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, to provide for the filing of objections against the claims of landholders in respect of grant of ryotwari pattas for lands in zamindari estates?

The Hon. Sri M. A. MANICKAVELU : Provision for filing of objections against the claims of landholders for ryotwari patta already exists in the rules framed under section 67, read with section 15 of the Abolition Act.

Sri A. P. C. VEERABAHU : தற்போது சட்டப்படி ஜமீன்தார் நில உடமை பற்றி யார் வேண்டுமானாலும் தாவா செய்யலாம் என்று இருக்கிறது. ஆனால் சில "டிரிப்யூனல்கள்" இதில் சம்பந்தப்பட்ட குடியானவர்கள்தான் தாவா செய்யலாம் என்று சொல்லியிருப்பது சர்க்காருக்குத் தெரியுமா? அப்படியானால் ஜமீன்தாரி குடிகளின் சட்ட பூர்வமான உரிமை பாதிக்கப்படுவதாகாதா? இதில் சர்க்கார் என்ன நடவடிக்கை எடுத்திருக்கிறார்கள் என்று அறிய விரும்புகிறேன்.

The Hon. Sri M. A. MANICKAVELU : இப்பொழுது சட்டம் சரியாகத்தான் இருக்கிறது. சில டிரிப்யூனல்கள்தான் இம்மாதிரி சொல்வதாக கனம் அங்கத்தினர் சொல்கிறார். இதை குறிப்பாக எனக்கு தெரிவித்தால் அதைப்பற்றி விசாரிக்கிறேன்.

Government Service

* 498 *Q*.—Sri T. S. RAMASWAMY PILLAI : Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of persons recruited by the Heads of Department service; and

(*b*) whether rules have been framed for the recruitment to Government services by officers other than Members of the Public Service Commission?

The Hon. Sri C. SUBRAMANIAM : (*a*) The particulars are not readily available. The time and labour involved in collecting them will not be commensurate with the purpose that they may serve.

(*b*) The General Rules for the State and Subordinate Services and the Special Rules for the particular services govern the recruitment of personnel when appointed by officers otherwise than through the agency of the Madras Public Service Commission.

Sri T. S. RAMASWAMY PILLAI : May I first of all know from the Hon. Minister whether he is reading the answer from the notes of the Secretary and how he has come to the conclusion that the time and labour involved in collecting the particulars will not be commensurate with the purpose that they may serve? First of all let me know whether it is the answer of the Minister or the Secretary?

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THE HON. SRI C. SUBRAMANIAM : This is my own answer.

MR. SPEAKER : I want to remind the hon. Member that all answers given on the floor of the House are the answers of the Hon. Ministers and they are responsible for those answers. Who were all behind the scene in preparing the answers, we are not concerned with that.

THE HON. SRI C. SUBRAMANIAM : I may also tell the hon. Member that the department puts up the draft answers to the Ministers and the Ministers look into them and they take full responsibility for all answers given on the floor of the House.

SRI T. S. RAMASWAMY PILLAI : On a point of order, Mr. Speaker, Sir. So far as the importance of this question is concerned, we the Members of this House are in a much better position to know about the importance of the question and the answer required from the Government. The Hon. Minister was kind enough to say that the time and labour involved in collecting the particulars will not be commensurate with the purpose that they may serve. This is a very important question and we feel that so many recruitments are going on by the departmental heads which will directly affect the provisions of the Constitution . . .

MR. SPEAKER : Is the hon. Member raising a point of order or . . .

SRI T. S. RAMASWAMY PILLAI : I am raising a point of order, Sir. So far as the Members are concerned we are entitled to get an answer from the Government provided the questions were within the rules of the Legislature. We have framed the questions within the rules that is sufficient notice has been given and they are not against the public interest. In this connection I would like to read the point of order raised by the late lamented Sri Satyamurthi who raised the point exactly on similar grounds. He said " Government are entitled to refuse to answer questions or supplementary questions on account of public interest. Do they claim in this matter that public interest will be endangered if they tell me whether the Governor-General in Council met and considered it formally ". I would like to get a ruling from you, Sir.

MR. SPEAKER : The hon. Member has raised a question regarding the right of hon. Member to ask questions. Every hon. Member has a right to ask questions provided they are within the rules and the Speaker allows them. Whether to answer the question or not and for what reasons, is left to the Hon. Minister to decide. The example quoted by the hon. Member is a similar question put by the late Satyamurthi in Parliament. It is not as if the Speaker at that time gave the ruling that the Government must give an answer. It is only Sri Satyamurthi that said it then and now the hon. Member Sri Ramaswamy Pillai is following the distinguished example of Sri Satyamurthi. I have no objection in his doing that. But that cannot become a ruling binding on this Government or the Speaker. As I have said before a number of times, it is open to the Hon. Minister to answer or not to answer

a particular question. If the hon. Members are not satisfied they can put a question again or take appropriate action against the Minister concerned under the existing rules.

THE HON. SRI C. SUBRAMANIAM : Now that there is likely to be a misunderstanding that the Government are trying to evade answering questions, let me add something. The question asked for particulars regarding the number of persons recruited by the Heads of Departments and other district heads in Government service. Such a general question without mentioning for how many years and for what period the information is required is asked. If I have to ask the department to get all the materials for the past ten years, then I must ask the Heads of Departments not to attend to any other work but to engage themselves in getting this statistics. I can very well understand if the hon. Member wants to make out that the rules are not being followed or observed in particular cases and if he wants to bring to the notice of the Government those cases, certainly we would welcome such a thing. But when he puts such a general question on such a broad basis, I do not think Government would be justified in asking the officers to collect all the information which is likely to prejudice their routine work.

9 a.m. SRI K. VINAYAKAM : I am putting a supplementary question. Is it not a fact that recruitment to services is made by the Madras Public Service Commission except in cases where recruitment is made on a temporary basis under dule 10 (*a*) (i) by heads of departments and that the candidates in the latter case are replaced when candidates selected by the Commission are available?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir; the general rule is that recruitment to services should be made by the Public Service Commission. But it is open to the Government to exclude any particular post or any category of posts from the purview of the Commission. In this case, the matter is placed before the Legislature also. So, where recruitment has got to be made by the Commission, it is the proper recruiting authority. But where a vacancy has got to be filled urgently, where there is no time to consult the Commission and where the vacancies are of short duration, the departmental heads are authorized to fill the posts. For this purpose also, rules are laid down. If there are cases wherein the rules have not been observed and the emergency provisions have been resorted to unnecessarily, the Government have to take action. I may inform the hon. Member that this matter was brought to my notice three or four years ago and I was told then that a large number of officials were taking undue advantage of these provisions. Since then, I have asked for quarterly or half-yearly reports from every department showing the number of appointments made under emergency provisions and the reasons for making such appointments. Every time I get the returns, I scrutinise them and if I find a large number of appointments made under emergency provisions, I warn the heads of departments concerned that such appointments should not have been made and that the number should be reduced immediately

by replacing such persons by those recruited by the Public Service Commission. If the hon. Member has got this thing in mind, I may tell him this is already being done.

SRI T. S. RAMASWAMY PILLAI : May I know the heads of departments who are authorised to recruit candidates without reference to Madras Public Service Commission? May I know also whether the Government are aware that the Transport Department and the Community Projects Department are recruiting personnel not only on a temporary basis but also on a permanent basis?

THE HON. SRI C. SUBRAMANIAM : I have already stated that certain posts have been taken out of the purview of the Commission. These cases are brought to the notice of the Legislature also. I am not able to give immediately a list of posts excluded from the purview of the Commission. As far as emergency appointments are concerned heads of departments are given power to recruit men, when the vacancies have to be filled immediately and if regular candidates are not available, so that the work in the offices may go on without interruption.

SRI V. K. RAMASWAMY MUDALIYAR : There is another point which has arisen from the reply. Are the services of those appointed on a temporary basis regularised only in consultation with the Public Service Commission?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. In all cases where the Commission is the authority to recruit, it is done only in consultation with the Commission.

SRI M. JAGANNATHAN : In view of the fact that there is growing suspicion in the minds of the public that in the matter of temporary appointments, some sort of favouritism and nepotism is shown by the heads of departments, will the Government consider the desirability of cancelling all such appointments and bringing them within the purview of the Commission?

THE HON. SRI C. SUBRAMANIAM : There are certain posts which I do not think, it would be in public interests to bring within the purview of the Commission for the purpose of recruitment. But the hon. Members may raise the point when the relevant demand is placed before the House. As a matter of fact, hon. Members may scrutinise each case and if necessary they may even submit a note. I am prepared to consider that.

SRI K. B. S. MANI : சர்வீஸ் கமிஷன் பரீக்ஷை எழுதாமலே ரூல் 9 (ஏ-1)-கீழ் வேலை பார்க்கும் குமாஸ்தாக்கள் பல வருஷங்களாக அதே துறையில் வேலை செய்வதால் சர்வீஸ் கமிஷன் பரீக்ஷை எழுதும் மாணவர்களைக் காட்டிலும் நல்ல முறையில் வேலை செய்கிறார்கள் என்று அந்தந்த ஆபீஸ் தலைமை அதிகாரிகள் பல வருஷங்களாக அவர்களை வேலையில் வைத்துக்கொண்டிருக்கிறார்கள். அப்பேர்ப்பட்டவர்களை சர்வீஸ் கமிஷன் பரீக்ஷை எழுதாமலேயே "பெர்மனெண்டு" செய்வதற்கு அரசாங்கம் ஒரு புது உத்தரவு பிறப்பிக்குமா?

MR. SPEAKER : Just opposite what Mr. Jagannathan suggested.

THE HON. SRI C. SUBRAMANIAM : இதனால் தான் மூன்று மாதங்களுக்கு ஒரு முறை எத்தனை பேர்கள் " எமர்ஜென்ஸி ப்ரொவிஷனின் " கீழ் வேலை செய்கிறார்கள் என்பது பற்றி சர்க்காருக்கு அறிக்கை சமர்ப்பிக்கவேண்டும் என்று ஏற்பாடு செய்யப்பட்டிருக்கிறது. இப்பேற்பட்டவர்களை பல வருஷங்களாக வேலை செய்த பிற்பாடு வெளியே அனுப்புவது கஷ்டமாகி விடுகிறது. இதை உடனுக்குடன் கவனித்து அவர்களை உடனே பப்ளிக் சர்வீஸ் கமிஷன் பரீக்ஷைக்கு அனுப்புவதற்கோ, அல்லது பப்ளிக் சர்வீஸ் கமிஷனால் தேர்ந்தெடுக்கப்பட்டவர்களை அவர்களுக்கு பதிலாக நியமிப்பதற்கோ ஏற்பாடு செய்வதற்குத்தான் இந்த மாதிரி மூன்று மாதத்திற்கு ஒரு முறை ஒரு அறிக்கை சமர்ப்பிக்கப்படுகிறது. இந்த மாதிரி அதிகக் காலம் வேலை செய்தவர்களை பர்மனெண்டாக வைத்துக் கொள்ளலாம் என்ற ஒரு முறையை ஏற்படுத்தினால், இன்னும் அதிகமான பேர்களை இந்த முறையில் நியமனம் செய்வதற்கு தூண்டுதல் ஏற்படும். அது மற்ற அங்கத்தினர்கள் சொன்ன விதிக்கு விரோதமாக இருக்கும் என்று நான் நினைக்கிறேன்.

Promotions

* 499 *Q*.—SRI T. S. RAMASWAMY PILLAI : Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of promotions given in each department overlooking seniority of services during this financial year in this State;

(*b*) the details of the same; and

(*c*) the reasons therefor?

THE HON. SRI C. SUBRAMANIAM : (*a*) *to* (*c*) The time and labour involved in collecting the particulars in respect of the various departments in the State will not be commensurate with the purpose that they may serve.

SRI T. S. RAMASWAMY PILLAI : May I ask the Hon. Minister on what grounds they have come to this conclusion?

THE HON. SRI C. SUBRAMANIAM : Sir, scrutiny of every case to find out whether the promotion has been made overlooking seniority for a length of time will involve considerable labour and time affecting the routine work which the officers have got to do. In my view, this would not serve any public purpose and that is why, I have taken upon myself the responsibility to state that the time and labour involved would not be commensurate with the purpose served. But if the hon. Member wants to raise any particular point, he may raise it in respect of any particular individual or any particular department where seniority has been overlooked.

SRI A. V. P. ASAITHAMBI : ஹைவேஸ் டிபார்ட்மெண்டில் " சீப் என்ஜினீயராக " 30–12–57-ல் பதவியேற்ற தாழ்த்தப்பட்ட வகுப்பினரைச் சேர்ந்த ஸ்ரீ எஸ். வி. நாயக் என்பவரை 54 நாட்களுக்குப் பிறகு, அதாவது 24–2–58-ல் ரிவர்ட் செய்து விட்டு, ஸ்ரீ கே. வி. ஏகாம்பரம் என்பவரை அந்தப் பதவிக்கு நியமித்திருப்பது ஏன் ?

MR. SPEAKER : இந்தக் கேள்வி மூலக்கேள்வியிலிருந்து எழவில்லை.

THE HON. SRI C. SUBRAMANIAM : இந்தக் கேள்விக்கும் மூலக் கேள்விக்கும் எந்த விதமான சம்பந்தமும் கிடையாது. இது பிரமோஷனைப் பற்றியது அல்ல. மூலக் கேள்வி பிரமோஷனைப் பற்றியது. **Heads of Departments are selection posts.**